

MINUTES

**MONROE COUNTY WATER AUTHORITY  
REGULAR MEETING  
THURSDAY, May 21, 2020  
9:00 a.m.**

**Garage, General Offices, 475 Norris Drive, Rochester, New York**

9:10 a.m. The Chairman called this Regular Meeting to order.

**Roll Call of the membership of the Board and determination that a quorum was present.**

**Members present (7):** S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison

**Staff present:** N. Noce, Executive Director; L. Magguilli, Assistant to the Executive Director; D. Hendrickson, Director of Human Resources; S. Savage, P.E., Director of Engineering; C. LaManna, P.E., Director of Production; A. Molinari, Director of Finance & Business Services; R. Benschhoff, Executive Director of Operations

**General Counsel present:** E. Hebert, Attorney – Harter, Secrest & Emery

Packets containing detailed information on Agenda items were distributed in advance of the meeting date to each Member, Executive Staff, and Counsel for their prior review.

**Pledge of Allegiance** – Lead by Chairman Nasca

**#20-089** Approve minutes of the Authority's Regular Meeting and Annual Meeting held on April 23, 2020.

On a motion made by Mr. Rulison, seconded by Mrs. Volpe, the foregoing resolution #20-089 was put to a voice vote and unanimously carried. AYES: 7; NAYS: 0

**#20-090** Approve list of disbursements on check registers dated April 15, April 22, April 29, May 6, and May 13, 2020, which were forwarded to the Authority Members for their review.

On a motion made by Mr. Bernstein, seconded by Mr. Hurlbut, the foregoing resolution #20-090 was put to a voice vote and unanimously carried. AYES: 7; NAYS: 0

**#20-091** Accept Purchase Order List of materials and supplies for the period April 16 through May 13, 2020 in the amount of \$1,367,288.39.

On a motion made by Ms. Bleier-Mervis, seconded by Mr. Rulison, the foregoing resolution #20-091 was put to a voice vote and unanimously carried. AYES: 7; NAYS: 0

**COMMUNICATIONS/NOTIFICATIONS**

Mr. Noce directed the Board's attention to the 2019 Water Quality Report, prepared by staff at our Shoremont Water Treatment Plant for mailing to our rate payers. This report can also be viewed on the Water Authority's website.

Mr. Noce was pleased to announce that the Water Authority was bestowed the prestigious **J.D. Power & Associates Award** for ranking HIGHEST IN CUSTOMER SATISFACTION in the mid-size water authority category – Northeast Region. This is the third time in five years that MCWA has received this award. Mr. Noce also commended all Water Authority employees for maintaining attendance at 90 percent since the onset of the COVID-19 pandemic, ensuring our customers have access to an abundant supply of potable water and water for fire-fighting purposes.

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Mr. LaManna briefed the Board on the status of the Solar Panel Project. He stated that details of the project are nearly finalized and that he has been approached about a possible second solar panel project at the same site. He fielded several follow-up questions from Board members, and indicated he would notify the Board about the second potential project as soon as information becomes available.

**EXECUTIVE SESSION**

**#20-ES** 09:15 a.m. Chairman Nasca requested a motion to enter Executive Session pursuant to Section 105(l)(f) of the New York Public Officers Law in order for the Board to discuss the employment performance history of a particular employee(s).

Moved by Mr. Rulison, seconded by Mr. Fero, and put to a roll call vote, the Board unanimously agreed to enter Executive Session. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein W. Bleier-Mervis, J. Rulison); NAYS: 0

09:40 a.m. Motion to conclude Executive Session: Moved by Mr. Rulison, seconded by Mr. Fero, the Board upon voice vote unanimously agreed to conclude Executive Session.

Chairman Nasca called this Regular Meeting back in Open Session with formal action taken in adding Resolution ES#20-001 to the Agenda in Open Session.

**ES#20-001**

**A RESOLUTION OF THE  
MONROE COUNTY WATER AUTHORITY  
PANDEMIC APPRECIATION COMPENSATION TIME**

WHEREAS, Monroe County Water Authority's (MCWA) service area has experienced an event of critical significance as a result of the novel coronavirus known as COVID-19; and

WHEREAS, COVID-19 is a public emergency affecting and threatening safety, health, and well-being of the citizens of MCWA's service territory; and

WHEREAS, on March 7, 2020, Governor Andrew Cuomo declared that a disaster emergency exists in the State of New York due to the spread of COVID-19 within New York (the "Emergency Declaration"); and

WHEREAS, pursuant to the Emergency Declaration and subsequent executive orders of the Governor (Collectively, the "Governor's Actions"), MCWA is deemed an essential service for purposes of providing a safe and continual supply of water to its customers; and

WHEREAS, pursuant to the Governor's Actions, Nicholas Noce, Executive Director, on March 12, 2020 activated the MCWA Emergency Operations Center to minimize and prevent the spread of COVID-19 to employees and the public as well as to ensure the continuation of service to the MCWA's customers; and

WHEREAS, during the COVID-19 pandemic, all MCWA employees who work have an increased likelihood of injury, disease, or other negative consequences related to the performance of job duties; and

WHEREAS, in appreciation of the efforts and sacrifice of MCWA's employees during this public health emergency, MCWA management wishes to express its gratitude to such employees.

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NOW, THEREFORE BE IT RESOLVED, MCWA employees who have worked and the potential to come into contact with the public are hereby designated as "essential" employees and will receive one quarter day compensation "comp" time for each forty hours worked. The program will be capped at 15 weeks, ending June 28, 2020. Any unused "comp" time will be treated in accordance with current management procedure.

On a motion made by Mr. Fero, seconded by Mr. Rulison, the foregoing resolution ES#20-001 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

**#20-092** Confirm the following personnel appointment pending approval and pursuant to the Rules and Regulations of the Monroe County Civil Service Commission:

Appointment of Justin Andrews to the title of Utility Worker effective June 1, 2020 at Salary Schedule 4, Group 3.

On a motion made by Mr. Rulison, seconded by Mr. Hurlbut, the foregoing resolution #20-092 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

**For Items #20-093 and #20-094**, Mr. LaManna briefed the Board for authorization to amend Agreements for Professional Consulting Services with two engineering firms in order to proceed with Phase 2 of two projects: the Emergency Generator Optimization Project and the Shoremont Water Treatment Plant West 1 Improvements Project. Mr. LaManna discussed the scope of each project and stated that due to the scale of the projects, it was necessary to break them into sections.

**#20-093** Authorize the Executive Director to **amend the Agreement for Professional Consulting Services with Arcadis of New York, Inc.** for Phase 2 of the **Emergency Generator Optimization Project** for the budget amount of \$295,000 for additional evaluation, design, and bid phase services and hourly billing rates for construction phase services, as proposed.

On a motion made by Mr. Bernstein, seconded by Ms. Bleier-Mervis, the foregoing resolution #20-093 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

**#20-094** Authorize the Executive Director to **amend the Agreement for Professional Consulting Services with GHD Consulting Services** for Phase 2 of the **Shoremont Water Treatment Plant West 1 Improvements Project** for the budget amount of \$440,000 for additional evaluation, design, and bid phase services and hourly billing rates for construction phase services, as proposed.

On a motion made by Mr. Rulison, seconded by Mr. Bernstein, the foregoing resolution #20-094 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

**For Item #20-095**, Mr. Magguilli addressed the Board for authorization to amend Resolution #20-027. The firm we have contracted for administration of our Oracle database has recommended improvements and additional security for our system.

**#20-095** Authorize an **amendment of Resolution #20-027** to include the recommended upgrades and additional security as part of ongoing Oracle Database Administration provided by RENAPS Technology, Inc. for a total estimated cost of \$54,999.

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On a motion made by Ms. Bleier-Mervis, seconded by Mrs. Volpe, the foregoing resolution #20-095 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

**For Item #20-096**, Mr. Noce addressed the Board on renewal of the Authority's membership in the Greater Rochester Enterprise (GRE) and their continued advocacy of the area's water supply.

**#20-096** Approve the Monroe County Water Authority **membership renewal** with the **Greater Rochester Enterprise** (GRE) at the annual membership rate of \$25,000 per year.

On a motion made by Mr. Rulison, seconded by Ms. Bleier-Mervis, the foregoing resolution #20-096 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

**For Item #20-097**, Mr. Magguilli addressed the Board to authorize the Executive Director to enter into an agreement for Federal legislative and regulatory advocacy services. He recapped the RFP process, reporting that we received qualified proposals from six firms, and he outlined the scope of services and terms of the contract. Mr. Magguilli also responded to a follow-up question from a Board member.

**#20-097** Authorize the Executive Director to enter into an Agreement with **Winning Strategies Washington** to provide **Federal Legislative and Regulatory Advocacy Services** on behalf of the Monroe County Water Authority. The scope of work will include regulatory and legislative representation and funding opportunities. The Agreement is for an initial term of one year with two optional one-year renewal terms at a monthly cost of \$15,000 plus out-of-pocket expenses.

On a motion made by Mr. Bernstein, seconded by Mrs. Volpe, the foregoing resolution #20-097 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

**For Item #20-098**, Mr. Noce sought Board authorization to enter into a syndicated license and services agreement relating to the J.D. Power award. He discussed the components of the award and responded to questions from several Board members.

**#20-098** Authorize the Executive Director to enter into a **Syndicated License and Services Agreement** with **J.D. Power** for the 2020 United States Water Study and other associated deliverables in the amount of \$29,900.

On a motion made by Mr. Rulison, seconded by Ms. Bleier-Mervis, the foregoing resolution #20-098 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

**#20-099** The Members of the Authority expressly make the following determination for all awards of Procurement Contracts made during this meeting: (i) the proposed awardee has been found to be responsible; (ii) the proposed awardee complied with the State Finance Law provisions regarding Permissible Contacts (as defined in the Authority's Procurement Disclosure Policy); (iii) the proposed awardee has (or will prior to the final award being effective) complied with the State Finance Law provisions that require disclosure of all information required to be in the Authority's Solicitation Materials (as such term is defined in the Authority's Procurement Disclosure Policy); and (iv) the procurement process did not involve conduct that is prohibited by the Public Officers Law, the Authority's Procurement Disclosure Policy, and the Authority's Code of Ethics and Conflict of Interest Policies.

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On a motion made by Mr. Rulison, seconded by Mr. Fero, the foregoing resolution #20-099 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

**For Items #20-100 and #20-101**, Ms. Molinari addressed the Board in discussion of the 1<sup>st</sup> Quarter Investment and 1<sup>st</sup> Quarter Financial Reports, which were enclosed in their packets of information on agenda items and distributed in advance of the meeting date for their prior review.

**#20-100** Approve the Authority's 1<sup>st</sup> **Quarter Investment Report** for the period ending March 31, 2020, as presented.

On a motion made by Mr. Rulison, seconded by Mr. Bernstein, the foregoing resolution #20-100 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0

**#20-101** Approve the Authority's 1<sup>st</sup> **Quarter Financial Report** for the period ending March 31, 2020, as presented.

On a motion made by Mr. Rulison, seconded by Mr. Bernstein, the foregoing resolution #20-101 was put to a roll call vote and unanimously carried. AYES: 7 (S. Nasca, S. Volpe, M. Fero, R. Hurlbut, A. Bernstein, W. Bleier-Mervis, J. Rulison); NAYS: 0


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**In Board folders for review:**

- Routine monthly informational reports and/or updates.

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There being no further business to come before the Authority, Chairman Nasca adjourned this Regular Meeting at 10:07 a.m.

  
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Diane L. Hendrickson, Recording Secretary

  
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Scott D. Nasca, Chairman